IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7633 of 2007()

CRIME REGISTERED BY THE CHALAKUDY POLICE

: PETITIONER/ACCUSED NO.2 TO 5

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1. M.RAMANKUTTY NAIR, AGED 72,
   MULLASSERY HOUSE, POTTA,
   MUKUNDAPURAM TALUK.

2. LAKSHMIKUTTY AMMA, AGED 66,
   W/O M.RAMANKUTTY NAIR, MULLASSERY HOUSE, POTTA,
   MUKUNDAPURAM TALUK.

3. JAYASREE RADHAKRISHNAN,
   D/O M.RAMANKUTTY NAIR, AGED 34,
   MULLASSERY HOUSE, POTTA,
   MUKUNDAPURAM TALUK.

4. JAYANTHI RAJEEV, D/O M.RAMANKUTTY NAIR,
   AGED 39, MULLASSERY HOUSE, POTTA,
   MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY THE
SUB INSPECTOR OF POLICE, CHALAKUDY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7633 of 2007

Dated this the 12th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations in a crime registered for offence punishable inter alia under Section 498A I.P.C. The marriage took place in 2001. There is one child born in the wedlock. The parties have been residing separately for about two years, it is submitted. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Altogether five accused are shown in the complaint. The first accused, the husband of the de facto complainant is employed abroad. Petitioners 1 to 4 are accused 2 to 5. It is submitted that accused 4 and 5 have now been deleted from the array of parties. Their application for anticipatory bail can hence be straightaway dismissed accepting the submission of the learned Public Prosecutor that those petitioners are not required to be arrested. Petitioners 1 and 2 are the parents-in-law of the de facto complainant aged 72 years and 66 years.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners 1 and 2 can be granted anticipatory bail subject to appropriate terms and conditions. In the absence of opposition from the learned Public Prosecutor, it is not necessary to advert to facts in any greater detail.

3. In the result, this petition is allowed in part. The petition in so far as it relates to petitioners 3 and 4 is dismissed accepting the submission of the learned Public Prosecutor that those petitioners are not required to be arrested. The petition in so far as it relates to petitioners 1 and 2 is allowed. Following directions are issued under Section 438 Cr.P.C in favour of petitioners 1 and 2.

i) They shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19/12/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 21/12/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 19/12/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007